

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TRACEY SMITH,)
vs.)
Plaintiff,)
vs.) Civil No. 18-cv-1359-DGW
COMMISSIONER of SOCIAL)
SECURITY,)
Defendant.)

ORDER for ATTORNEY'S FEES

WILKERSON, Magistrate Judge:

This matter is before the Court on plaintiff's Motion for Attorney Fees and Costs Under the Equal Access to Justice Act. (**Doc. 27**). Defendant has responded that she has no objection. (**Doc. 28**).

The parties agree that plaintiff is entitled to an award of attorney's fees in the amount of \$4,301.25, with no additional amount for costs or expenses. To the extent that plaintiff may wish to seek costs, she shall have to do so separately.

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

Plaintiff's Motion for Attorney Fees (**Doc. 27**) is **GRANTED**. The Court awards plaintiff attorney's fees in the amount of \$4,301.25 (four thousand three hundred one dollars and twenty-five cents), with no additional amount for costs or expenses.

The amount awarded is payable to plaintiff and is subject to set-off for any debt owed by plaintiff to the United States, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment executed by plaintiff and attached to the motion.

IT IS SO ORDERED.

DATE: May 8, 2019.


DONALD G. WILKERSON
U.S. MAGISTRATE JUDGE